



RECEIVED

BellSouth Telecommunications, Inc.

333 Commerce Street

Suite 2101

Nashville, TN 37201-3300

guy.hicks@bellsouth.com

2003 NOV 21 PM 2:51

Guy M. Hicks

General Counsel

615 214 6301

Fax 615 214 7406

November 21, 2003

TR A DOCKET ROOM

VIA HAND DELIVERY

Hon. Deborah Taylor Tate, Chairman  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37238

Re: *Tariff to Introduce BellSouth® Integrated Solutions*  
Docket No. 03-00512

Dear Chairman Tate:

Enclosed are the original and fourteen copies of BellSouth's *Objection to AT&T's Petition to Convene a Contested Case and to Intervene*. Copies of the enclosed are being provided to counsel of record.

Very truly yours,

Guy M. Hicks

GMH:ch

BEFORE THE TENNESSEE REGULATORY AUTHORITY  
Nashville, Tennessee

In Re: *Tariff to Introduce BellSouth® Integrated Solutions*

Docket No. 03-00512

**BELLSOUTH TELECOMMUNICATIONS, INC.' S OBJECTION TO  
AT&T'S PETITION TO CONVENE A CONTESTED CASE AND TO INTERVENE**

BellSouth Telecommunications, Inc. ("BellSouth") filed its tariff to introduce *BellSouth® Integrated Solutions* ("BIS tariff") on August 29, 2003. BellSouth responded to Tennessee Regulatory Authority ("Authority" or "TRA") Staff data requests on September 23 and September 29, 2003. The Authority suspended the tariff and subsequently scheduled the matter for consideration at the November 24, 2003 Agenda Conference.<sup>1</sup> The tariff is to become effective on November 24 if approved by the Authority.

Pursuant to TRA Rule 1220-1-2-.02(4), the filing of a tariff does not constitute a contested case proceeding. Any interested person may object, however, to the tariff by filing a complaint. TRA Rule 1220-1-2-.02(4) specifically provides:

(4) A tariff filing does not constitute a contested case; however, any interested person may object to the tariff filing by filing a complaint. Any such complaint shall state the nature of the interest, the grounds for any such objection and the relief sought. A copy of the complaint shall be served on the company filing the tariff. The company filing the tariff shall have the right to respond to such complaint. It shall be within the discretion of the Authority to convene a contested case. ***A complaint opposing the tariff shall be filed no later than seven (7) days prior to the Authority***

---

<sup>1</sup> The Authority suspended the BellSouth tariff to allow the parties time to submit briefs in connection with the resale issue raised by the Consumer Advocate and Protection Division ("CAD") in connection with Sprint's Safe and Sound II tariff. AT&T did not seek to intervene in the Sprint proceeding.

***Conference immediately preceding the proposed effective date of that tariff.*** (Emphasis added)

Accordingly, pursuant to the Rule, complaints objecting to the tariff were due to be filed with the Authority no later than Monday, November 17, 2003.

BellSouth responded with *Comments in Support its Tariff to Introduce BIS and Opposition to Position of Consumer Advocate Division* on September 25, 2003. While the Consumer Advocate Division ("CAD") filed a *Complaint and Petition to Intervene* on September 12, 2003, within the time limit prescribed by the TRA Rules, AT&T Communications of the South Central States, Inc. ("AT&T") filed a *Petition to Convene Contested Case and to Intervene* failed to file its complaint seeking to convene a contested case until Thursday, November 20, 2003. Since service of the *Petition* was effected on BellSouth Telecommunications, Inc. by e-mail and received at 4:50 p.m. that day, the filing was, in effect, made one business day before the matter was set to be heard on the following Monday. Consequently, AT&T's complaint seeking a contested case was not filed within the time requirements prescribed by TRA Rules.

AT&T had ample time, awareness and notice to have prepared and filed its *Petition* in a timely manner. Its late filing is made even more perplexing given that the *Petition* raises nothing new and merely parrots those allegations contained in the CAD's filing. Given that the *Petition* fails to cite any basis whatsoever for this late-filed *Petition* and makes no request to waive the Rule, the *Petition* should be denied.

For the foregoing procedural reasons, BellSouth urges the TRA to deny AT&T's late-filed *Petition*. For the substantive reasons discussed in BellSouth's earlier filings in response to the CAD's nearly-identical petition, BellSouth respectfully submits that, for

those same reasons, AT&T's Petition likewise lacks any merit and should, therefore, be denied.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

By: 

Guy M. Hicks

Joelle J. Phillips

333 Commerce Street, Suite 2101

Nashville, TN 37201-3300

615/214-6301

## CERTIFICATE OF SERVICE

I hereby certify that on November 21, 2003, a copy of the foregoing document was served on the parties of record, via the method indicated:

☐ Hand  
☐ Mail  
☐ Facsimile  
☐ Overnight  
☒ Electronic

Vance Broemel, Esquire  
Office of Tennessee Attorney General  
P. O. Box 20207  
Nashville, Tennessee 37202  
[vance.broemel@state.tn.us](mailto:vance.broemel@state.tn.us)

☐ Hand  
☐ Mail  
☐ Facsimile  
☐ Overnight  
☒ Electronic

Henry Walker, Esquire  
Boult, Cummings, et al.  
414 Union Street, #1600  
Nashville, TN 37219-8062  
[hwalker@boultcummings.com](mailto:hwalker@boultcummings.com)

A handwritten signature in black ink, consisting of a large, stylized 'H' followed by a long horizontal stroke that tapers to a point on the right.